

By: Burnam

H.B. No. 3911

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the authority of the Texas Commission on Environmental
3 Quality to grant or deny an air contaminant emissions permit.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Sections 382.0518(d) and (e), Health and Safety
6 Code, are amended to read as follows:

7 (d) If the commission finds that the emissions from the
8 proposed facility will contravene the standards under Subsection
9 (b) or will contravene the intent of this chapter, the commission
10 shall deny ~~[may not grant]~~ the permit, permit amendment, or special
11 permit. However, if the application for the permit, permit
12 amendment, or special permit has not been the subject of a contested
13 case hearing and the commission makes the finding described by this
14 subsection, the commission ~~[and]~~ shall set out in a report to the
15 applicant its specific objections to the submitted plans of the
16 proposed facility and may grant or deny the application as provided
17 by Subsection (e).

18 (e) If the person applying for a permit, permit amendment,
19 or special permit makes the alterations in the person's plans and
20 specifications to meet the commission's specific objections, the
21 commission shall grant the permit, permit amendment, or special
22 permit. If the person fails or refuses to alter the plans and
23 specifications, the commission shall deny ~~[may not grant]~~ the
24 permit, permit amendment, or special permit. The commission may

1 refuse to accept a person's new application until the commission's
2 objections to the plans previously submitted by that person are
3 satisfied.

4 SECTION 2. The change in law made by this Act applies to an
5 application for a permit, permit amendment, or special permit that
6 is pending with the Texas Commission on Environmental Quality on
7 the effective date of this Act or is filed with the commission on or
8 after the effective date of this Act.

9 SECTION 3. This Act takes effect immediately if it receives
10 a vote of two-thirds of all the members elected to each house, as
11 provided by Section 39, Article III, Texas Constitution. If this
12 Act does not receive the vote necessary for immediate effect, this
13 Act takes effect September 1, 2007.